

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1005 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHUPENDRA V DAVE

Versus

G E B

Appearance:

MR HK RATHOD for Petitioners

MR TUSHAR R MEHTA for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 07/10/98

ORAL JUDGEMENT

When this petition was called out for hearing, it was pointed out by the learned counsel for the petitioners that the petitioner no.1 had, through his advocate, given notice dtd.16.6.1997, requesting the respondents to give promotion to the petitioner. The petitioner No.1 was earlier promoted from the post of junior clerk to senior clerk, but, since he did not accept the promotion, the order of promotion came to be

cancelled. It appears that, thereafter, also the petitioner was twice promoted but he refused to accept the promotions and that is why those orders were not implemented. The learned counsel for the petitioner states that the petitioner is now ready to accept the promotion and a notice was given by him on 16.6.97, through his advocate to the respondents. A reply has been received by the petitioner from the Gujarat Electricity Board on 14.7.97, as stated by his learned Counsel. A copy of the notice and the reply are placed on the record. As per the said reply, the petitioner's advocate was informed, in the context of the notice dtd.16.6.97, that since he had refused the promotion thrice to the post of senior clerk, the petitioner was not entitled to be promoted under the rules. It was stated that in future his case for promotion would be considered in accordance with the rules.

In view of this reply, the learned counsel for the petitioners states that the petitioner no.1 will make an application afresh for promotion as per the rules within two weeks from today. The learned counsel appearing for the respondents states that, if such application is made, then the respondents will consider the same in accordance with law and take a decision thereon as per the rules within two months from the date of the receipt of such application.

2. In view of this arrangement, the learned counsel for the petitioners states that the petitioners do not press this petition at this stage. Rule is discharged with no order as to costs.

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